

**Jackson County Board of Commissioners Meetings Minutes**  
**June 20, 2006 - Regular Meeting**  
**Jackson County Commissioners Chambers: 7:00 p.m.**

**CALL TO ORDER:**

Chairman Steve Shotwell called the June 20, 2006 meeting of the Jackson County Board of Commissioners to order at 7:00 p.m.

**INVOCATION:**

Comr. Reynolds

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

(12) Present. Comrs. Herl, Lutchka, Brittain, Duckham, Reynolds, Videto, Mahoney, Berkemeier, Smith, Wilson, Gumbert, & Shotwell

**APPROVAL OF AGENDA:**

Shotwell added Item 2 to 6A, Employee of the Month of May, Lynn Cavanaugh. Herl requested to move Item 13D2, Resolution Establishing a Sister City, to Item 6D. *Moved by Reynolds supported by Wilson to **Approve the Agenda as Amended.*** Motion carried.

**AWARDS & RECOGNITIONS:**

**A. Employee of the Month:**

1) **Employee for the month of June-** Doug Gilman, Corrections Officer, Sheriff's Department. A video featuring many of the officer's at the Chanter Road facility was shown in support of Officer Gilman.

2) **Employee for the month of May-** Lynn Cavanaugh, Deputy Clerk District Court. Presented by Chairman Shotwell with remarks by Honorable Judge Darryl Mazur.

**B. Presentation of the Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report for the County of Jackson for the Fiscal Year Ended December 31, 2004 by the Government Finance Officer Association (GFOA) of the United States and Canada.**

Presented by Chairman Shotwell to Gerard Cyrocki, Finance Officer. Bob Elliott, Administrator/Controller added that this is an award that you work all year for.

**C. Resolution (06-06.32) Honoring the Memory of Mr. Frank Myers for His Contributions to the Jackson County Park System.** *Moved by Mahoney supported by Wilson to **Adopt Resolution (06-06.32) Honoring the Memory of Mr. Frank Myers for His Contributions to the Jackson County Park System.*** Roll call: (12) Yeas. Motion carried unanimously.

**D. Resolution (06-06.29) Establishing a Sister City Relationship with Carrickfergus Borough, Northern Ireland.** *Moved by Herl supported by Mahoney to **Adopt Resolution (06-06.29) Establishing a Sister City Relationship with Carrickfergus Borough, Northern Ireland.*** Roll call: (12) Yeas. Motion carried unanimously. Kara Beer, Program Manager/Manager Special Events for the Greater Jackson Chamber of Commerce and staff liaison for the Sister City Committee. Ms. Beer spoke of the trip to Carrickfergus; they were able to view some of the economic development and tourism aspects. They brought back many ideas and sat down with representatives in the community and did a presentation for County Affairs. She thanked the Board for approving the Resolution. It will be sent to Carrickfergus.

**COMMUNICATIONS/PETITIONS:**

*Moved by Wilson supported by Reynolds to **Accept the Communication from President Bush Acknowledging Our Resolution Supporting His Efforts as President of the United States.*** Motion carried.

**SPECIAL ORDER/PUBLIC HEARINGS:**

None.

**PUBLIC COMMENT:**

Public comment began at 7:25 p.m. with Judy Dynnik, Executive Director of the Jackson County Volunteers Against Pound Seizure. Ms. Dynnik spoke of their recent donations to the Animal Shelter of a digital camera, to speed up

prosecution of abuse cases, a 19-inch television, and a DVD player for use in educating the public. Ms. Dynnik voiced her opinions concerning the WKHM radio show that Cmr. Wilson appears regularly on. Ms. Dynnik suggested that the comments made are damaging, not only to her group and donations, but to the Board as well and suggested that the Board contact their attorney pertaining to Cmr. Wilson's comments.

*Moved by Mahoney supported by Reynolds to Receive the Communication Pertaining to the All Season's Sale of Property.* Motion carried. Janet Rochefort, Jackson County Treasurer reviewed the communication which outlined the financial impact of the sale of the property.

Phil Tocco of the MSU Extension spoke in favor of the Farmland Preservation Ordinance; giving an easement explanation.

Charity Steer spoke in favor of the Farmland Preservation Ordinance.

Kim Kurr of the Michigan Farm Bureau also spoke on behalf of the Farmland Preservation Ordinance. *Moved by Reynolds supported by Wilson to Receive the Communication of Kim Kurr.* Motion carried.

Susan Lackey, Executive Director of the Washtenaw Land Trust, spoke applauding steps for developing open space.

Dr. Bob Walsh spoke of his concerns of using Animal Shelter animals for research. He said that they are not a good control for experiments as their background is unknown; therefore the results are not typical and cause harm to humans. There is also a real problem with the shelter; it has been neglected and is in horrible condition. There is only so much grant money available, and it is wasted when used for research on random source animals.

Vern Webster spoke in support of Ms. Dynnik and Dr. Walsh pertaining to the selling of shelter animals for research. Mr. Webster also reflected his concerns over the pending policy development of the Commissioners not being able to call their constituents for information. The public should be involved.

Public comment concluded at 7:55 p.m.

#### **SPECIAL MEETINGS OF STANDING COMMITTEES:**

##### **A. County Affairs**

Proposal Award and Execution of a Professional Services Agreement for the Cascades Renovation Project-Smith Group JJR

##### **B. Personnel & Finance**

Resolution (06-06.31) Revising the Repayment Terms of a Temporary Loan for the Resource Recovery

#### **MINUTES:**

None.

#### **CONSENT AGENDA:**

*Moved by Mahoney supported by Gumbert to Approve the Consent Agenda Item A through E as Follows:*

##### **A. County Affairs:**

**1. 2005 Annual Report – Register of Deeds**

##### **B. County Agencies:**

**None**

##### **C. Human Services:**

**Restructuring of the Nursing Positions in the Women Infants and Children Program (WIC)**

##### **D. Personnel & Finance**

**1. Agreement between the County of Jackson and the City of Jackson Transportation Authority (JTA) for the 2006 Fiscal Year.**

**2. Budget Adjustments – Facilities Department and Animal Control**

**3. Addendum to Independent Contract Agreement Between the Jackson County Circuit/Family/Probate Courts, the County of Jackson, the Jackson County Intermediate School District, and Highfields, Inc.**

**E. Claims:**

**1 . Claims Dated 5/01/06 – 5/31/06 as presented to and approved by the Standing Committees:**

**County Affairs \$ 335,341.08**

**County Agencies 667,010.93**

**Human Services 220,293.56**

**Personnel & Finance 7,714,426.83**

**STANDING COMMITTEES:**

**A. County Affairs – Commissioner Dave Lutchka**

1. County Affairs 6/12/06 Meeting Minutes – No action required.

2. Appointment to the County Building Authority, One Public member, Term to June 2009. *Moved by Lutchka supported by Mahoney to Support the Recommendation of the County Affairs Committee to Appoint Tony Samon to the County Building Authority.* Motion carried.

3. Appointments to the Region 2 Planning Commission – Two Public Members, Terms to December 2006. *Moved by Lutchka supported by Wilson to Support the Recommendation of the County Affairs Committee to Appoint Katherine Martin and Hal Ziegler to the Region 2 Planning Commission.* Motion carried.

4. Appointment to the Potawatomi Resource Conservation & Development Program. One Commissioner Member. Term indefinite. *Moved by Lutchka supported by Reynolds to Support the Recommendation of the County Affairs Committee to Appoint Cliff Herl.* Motion carried.

5. Appointment to the Jackson County Comprehensive Traffic Safety Commission. One Commissioner Member, Term to 1/2007. There were no applicants. Chairman Shotwell nominated Pat Smith. Motion carried.

6. *Moved by Lutchka supported by Herl to Approve the Jackson County Agriculture and Open Space Preservation Ordinance.* Mr. Tocco was asked to come forward to answer any questions. Wilson was concerned about Jackson County becoming the funding mechanism through other sources, either the General Fund or through a millage. If a millage were passed, there are some townships that have opted out, but their residents would still be paying part of the funding. Wilson would like to see the townships added but the general funding of the County removed. Mr. Tocco responded that he would prefer to say that the townships could pay for this in the future. The 25% matching funding actually falls on the landowner, as it is a completely voluntary program. Lutchka feels that the issue was covered in "item 8- other non-federal governmental funds". However, Lutchka would not be opposed to adding townships. Bob interjected that this has been reviewed at length having gone through the Community Planning Committee, then the Farmland Preservation Task Force, and County Affairs . Videto added that many communities have been successful in preserving agricultural land. This is a tool to keep land in its natural state. Gumbert first expressed concern at the way this was presented on the radio. She then asked if the townships had been involved, and do they understand the program? Mr. Tocco replied that he had only visited ten townships; another six that he didn't visit had already expressed interest. Reynolds is in favor of this ordinance. She used Grass Lake as an area that used to be open spaces, but now there is house after house. She encouraged the Board to vote in favor. It is the responsibility of the townships to opt in and let the people decide. Lutchka stated that the three townships that they visited didn't understand; after the visit they were willing to look at the ordinance. It's something new, and to the newer supervisors out there, their concern was money. They didn't realize that they didn't have to come up with any. Wilson said that he has no problem with houses being built in Grass Lake as it contributes to the tax base. Also, we don't collect taxes on farmland that isn't developed. He was corrected on that fact. *Moved by Wilson supported by Duckham to Amend the Farmland Preservation Act, Item C to Include Township, Alt. X.* Mahoney commented that the Administrator said that this document has been duly examined and she sees no point in an amendment. Roll call: (6) Nays. Cmr. Reynolds, Videto, Mahoney, Smith, Gumbert, & Shotwell. (6) Yeas. Cmr. Herl, Lutchka, Brittain, Duckham, Berkemeier, & Wilson. Motion failed. Roll call on main motion: (11) Yeas. Cmr. Herl, Lutchka, Brittain, Duckham, Reynolds, Videto, Mahoney, Berkemeier, Smith, Gumbert, & Shotwell. (1) Nay. Cmr. Wilson . Motion carried.

7. *Moved by Lutchka supported by Reynolds to Approve Resolution (06-06.30) Authorizing Funding Application for Cascades Renovation Project-Continuation and Connector of Non-motorized Pathway in Sparks County Park* Roll call: (12) Yeas. Motion carried unanimously.

8. *Moved by Lutchka supported by Mahoney to Approve the Proposal Award and Execution of a Professional Services Agreement for the Cascades Renovation Project-Smith Group JJR.* Motion carried.

## B. County Agencies – Commissioner Judy Reynolds

1. County Agencies 6/12/06 Meeting Minutes-No action required.

2. *Moved by Reynolds supported by Berkemeier to Waive the Requirement for Three Bids and Accept the Sheriff's Recommendation for Adoption of the Agreement for the Provision of Professional Health Care Services for Individuals Incarcerated by Jackson County.* Brittain will be opposing this as we are not getting the minimum of three bids, and the fact that it is a 13 % increase over the present agreement. Wilson asked if we would be violating County Policy by approving a bid without competitive bidding? Shotwell answered that was why the motion was written; to waive the policy. Bob explained that this is a three-year agreement; they have already looked at the negotiation of the agreement. This is the final recommendation from the Sheriff. Reynolds commented that the Sheriff was at the last meeting, and they have worked well with this provider and they don't think that they will get the same quality and professionalism that they currently have. Duckham asked if we bid out with three provider's, would we have to take the lowest bid? Bob answered that there is no vendor preference. State law does not mandate competitive selection on professional service. Duckham suggested that if we did bid it, we might find the current provider finding ways to save us some money. Gumbert shared the Sheriff's concern that this type of bid process with health care was that bids would be all over the board. Based on their relationship, and with the current provider's bid being in the same ballpark, they wanted to continue that relationship. Lutchka supports this move but proposed only allowing this on a one-time basis and take competitive bids the next time. Wilson supported this coming out of committee, but felt that Brittain made a good point that we need to cut expenses and that we are not sending a good message. Berkemeier agrees that we need to be careful waiving policy, but this is an exception. The Sheriff knows Dr. Burgess and he has cut costs by \$1 per patient over the last 3-years. Berkemeier shares Lutchka's thought that it would be good to put in our policy that when waiver's are extended like this that it only happens one time and it is re-bid the next time. Mahoney stated that we have control over these issues; why put in a policy to stop a policy? Roll call: (10) Yeas. Cmsrs. Herl, Lutchka, Duckham, Reynolds, Videto, Mahoney, Berkemeier, Smith, Gumbert, & Shotwell. (2) Nays. Cmsrs. Brittain & Wilson. Motion carried.

## C. Human Services-Commissioner Phil Berkemeier:

1. Human Services 6/12/06 Meeting Minutes – No action required.

## D. Personnel and Finance – Commissioner James Videto:

1. Personnel and Finance 6/13/06 Meeting Minutes-No action required.

2. Resolution (06-06.29) See 6 D.

3. *Moved by Videto supported by Gumbert to Approve the Facilities Reorganization Plan.* Motion carried.

4. *Moved by Videto supported by Mahoney to Adopt Resolution (06-06.31) Revising the Repayment Terms of a Temporary Loan for the Resource Recovery Facility (RRF).* Roll call: (12) Yeas. Motion carried unanimously.

## UNFINISHED BUSINESS:

None.

## NEW BUSINESS:

A. *Moved by Mahoney supported by Herl for the Re-adoption of the 2006 Board Rules – 2nd Reading. Moved by Wilson supported by Brittain to Separate the Issue of Public Participation for Vote.* Roll call: (8) Nays. Cmsrs. Herl, Lutchka, Reynolds, Videto, Mahoney, Berkemeier, Gumbert, & Shotwell. (4) Yeas. Cmsrs. Brittain, Duckham, Smith, & Wilson. Motion failed. Brittain will be opposing the changes in policy. If there is an issue that needs to be addressed and has been discussed, there may be someone in the audience that could have valuable information and should be called on. It should not be left up to the Chair. Mahoney reminded Brittain that you have the option to ask to suspend the rules. With 2/3 votes, they can speak. Brittain was concerned that some Commissioners may not be able to get 2/3 votes. *Moved by Wilson supported by Brittain to Amend Policy 4050 that Would Allow Audience Members to Address the Board During the Discussion on an Issue in Addition to Public Comment.* Roll call: (9) Nays. Cmsrs. Herl, Lutchka, Reynolds, Videto, Mahoney, Berkemeier, Smith, Gumbert, & Shotwell. (3) Nays. Cmsrs. Brittain, Duckham, & Wilson. Motion to Amend Fails. Chairman Shotwell Calls for the Question. Roll call: (9) Yeas. Cmsrs. Herl, Lutchka, Reynolds, Videto, Mahoney, Berkemeier, Smith, Gumbert, & Shotwell. (3) Nays. Cmsrs. Brittain, Duckham, & Wilson. Motion carried.

B. *Moved by Mahoney supported by Wilson to Call a Special Meeting of the Board of Commissioners as a Committee of the Whole to Discuss the 2007 Annual Budget Pre-meeting and the Adoption of the 2006 Goals and Objectives, to be held on Tuesday, June 27, 2006 at 4:00 p.m. in the 6 th Floor Conference*

**Room, County Tower Building, 120 W. Michigan Avenue, Jackson, MI.** Brittain stated that he would be out of town. Motion carried.

C. **Moved by Wilson supported by Duckham to Direct the Chair and the Administrator to Conduct an Investigation into the Productivity of Restaurant Inspections.** According to the inspection report received for the first two quarters, their productivity has continued to decline. Shotwell asked if Wilson would be comfortable with this being returned to committee, or if he would like an administrative report in the Commissioners boxes? Wilson deferred to the Chair. Shotwell said there would be an oral report in Human Services with a written report to follow to the Full Board. Herl added that they do more than restaurant inspections. He offered Wilson the job descriptions. Duckham spoke with two restaurateurs in his district and was told that an inspection should take about 45 minutes. They are very thorough and they know exactly where to go. Shotwell would like to move this to committee. Motion carried.

**PUBLIC COMMENT:**

Public comment began at 8:47 p.m. with Vern Webster. Mr. Webster feels that you are supposed to encourage public participation, not discourage it. The Commissioners earn roughly \$900 per meeting and they should stay and listen.

Public comment concluded at 8:50 p.m.

**COMMISSIONER COMMENT:**

Berkemeier is impressed by the quality of people working for the County. He is also impressed by the Department Heads: that is exhibited by the Financial Reporting Recognition that Gerard has received; and the grand slam that Janet hit by collecting the money through the IRS. Brian Philson is one of the very top people not only here but around the state and county. We are going to sorely miss Brian.

Wilson thanked Herl for the Health Department job descriptions.

Lutchka thanked the Board on behalf of the Land Preservation Task Force and Committee and the hard work of Phil Tocco.

**CLOSED SESSION:**

**Moved by Gumbert supported by Smith to go into Closed Session for the Purpose of Considering the Purchase of Property.** Motion carried.

The Jackson County Board of Commissioners departed for Closed Session at 8:55 p.m.

**Moved by Gumbert supported by Wilson to Return to Open Session.** Motion carried.

The Jackson County Board of Commissioners returned to Open Session at 9:17 p.m.

Kevin Thomson read a motion that was ***moved by Mahoney supported by Berkemeier to Approve the Purchase by Jackson County the Property Commonly Known as the "Moose Lodge Property" which is part of 745 Lansing Avenue. Property West of Blackstone Street and East of the Moose Lodge. The Property is Commonly Used for Parking Purposes for the Sum of Not to Exceed \$200,000 in Accordance with the Proposed Purchase Agreement Dated June 5, 2006 and in Accordance and Consistent with Said Purchase Agreement. The Motion would Further Provide that the Jackson County Administrator, Robert Elliott is Authorized to Execute any and all Documents Necessary for the Negotiation, Purchase, and Ultimate Closing of the Property.*** Roll call: (12) Yeas. Motion carried unanimously.

***Moved by Brittain supported by Videto to Authorize a Loan from the Delinquent Tax Revolving Fund for the Jackson County Fair for the Purpose of Consolidation of Property Management (Purchase of South Blackstone Property from Moose Lodge Approximately \$200,000 and for Refinancing of the Existing Loan of \$47,508.43 Plus Interest to Date) Said Loan to be in the Amount of \$250,000 for 15-Years at 6% Interest with Monthly Payment to be in the amount of \$2,109.64. Payment to begin one-month after the Purchase of the "Moose Lodge Property".*** Roll call: (12) Yeas. Motion carried unanimously.

**ADJOURNMENT:**

The June 20, 2006 Regular Meeting of the Jackson County Board of Commissioners was adjourned at 9:20 p.m.

Steve Shotwell-Chairman, Jackson County Board of Commissioners  
Sandy Crowley-Jackson County Clerk  
Respectfully submitted by Erin Foster-Chief Deputy County Clerk